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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/074,750

02/13/2002

W. Campbell Mears JR.

21240/1

1480

7590

03/07/2007

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EXAMINER

GREIMEL, JOCELYN

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,750	<b>Applicant(s)</b> MEARS ET AL.	
	<b>Examiner</b> Jocelyn Greimel	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

1. This communication is in response to Applicant's application filed 13 February 2002, which claims the benefit of 60/268,477 filed 13 February 2001 and 60/268,301 filed 13 February 2001. Claims 1-20 are pending and are presented to be examined upon their merits. Claims 1, 17 and 20 are independent claims.

### ***Claim Objections***

2. Claim 11 is objected to because of the following informalities: the claim references transfer of data using XML. However, the acronym XML is not disclosed in the claim language. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Advocate Software (hereinafter, Advocate). In reference to claims 1

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and 17-19, Advocate discloses a method and apparatus for automating structured settlements including:

- a. collecting and updating candidate data required to identify potential structure candidates;
- b. collecting and updating financial data required to structure settlements;
- c. computing structured settlement quotations using said candidate data and said financial data and integrated third-party quotation programs; and
- d. communicating said candidate data, said financial data and said quotations to structured settlement professionals (pages 1-5).

5. In reference to claims 2 and 3, Advocate discloses collecting data and communicating data via an online service (page 1, paragraph 2) and collecting data via local software (page 1, paragraph 2).

6. In reference to claim 4, Advocate discloses online service including programs for storing and downloading case data, maintaining diary functionality and providing online reports (page 1, paragraphs 1-3).

7. In reference to claims 5-7, Advocate discloses entering financial and candidate data into the database(s) (page 1).

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8. In reference to claim 8, Advocate discloses using third-party quotation programs which use life company quotation software (page 1, paragraph 1+).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 9-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Advocate in view of Official Notice. In reference to claims 2-16,

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Advocate discloses a method and apparatus for automating structured settlements.

Advocate does not disclose:

- e. Selecting third-party programs from a menu;
- f. Transferring data to the third-party program from a database;
- g. Transferring data using XML;
- h. Saving proposals;
- i. Saving data and results.

However, the Examiner takes Official Notice that the above processes (e-i) are well known in the computer/data processing arts. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to have modified the automated structured settlement program of Advocate with the above computer processes because the processes would allow the use the program run more efficiently.

### **Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

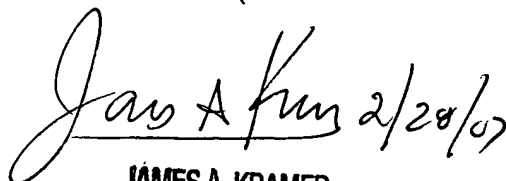
- j. Peripherals; Interesting Way to See Interest on Money, Shannon, L.R., New York Times (Late Edition (East Coast)), New York, NY; Aug. 28, 1990, pg. C7. (*Discussing a "tool for computing structured legal settlements"*).
- k. Computers Revolutionize Structured Settlement Work, Haggerty, Alfred G., National Underwriter, (Life, health/financial services ed.), Erlanger, Sept. 28, 1987, Vol. 91, Iss. 39, pg. 3.

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I. Software Tools for Litigation Services, Cherkas, Byron S., Journal of Accountancy, New York, June 1992, Vol. 173, Iss. 6, pg. 123. (*Discussing "Advocate Software"*).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JAMES A. KRAMER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

Jocelyn Greimel  
Examiner, Art Unit 3693  
February 22, 2007

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